

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DENNIS P. GLICK,)
vs.)
Plaintiff,)
vs.)
ROGER E. WALKER, JR., *et al.*,)
Defendants.)
CIVIL NO. 06-586-GPM

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on Plaintiff's motion to reconsider (Doc. 25) a prior Order denying Plaintiff leave to proceed *in forma pauperis* on appeal. In that Order (Doc. 22), the Court certified that an appeal would not be taken in good faith because Plaintiff could not identify any part of the Court's order dismissing his action as being in error. Plaintiff was directed to pay the appellate filing and docketing fee of \$455 to the Clerk of Court in this District, or to reapply to the Seventh Circuit Court of Appeals for leave to proceed *in forma pauperis* on appeal.

Because the instant motion challenges an Order of this Court denying Plaintiff leave to proceed *in forma pauperis* on appeal, the motion does not challenge the merits of the Court's decision dismissing Plaintiff's complaint. Consequently, the Court has jurisdiction to entertain the instant motion. *See generally Chicago Truck Drivers v. Central Transport, Inc.*, 935 F.2d 114, 119-20 (7th Cir. 1991) (notice of appeal does not prevent district court from ruling on "collateral matters"); *Cf. Turket v. Lund*, 623 F.2d 29, 33-34 (7th Cir. 1980) (district court may award attorneys' fees while the merits are on appeal because matter could not lead to altering the substantive

judgment). After carefully reviewing the instant motion, the Court finds no reason for relieving Plaintiff from the prior Order denying him leave to proceed *in forma pauperis* on appeal. Therefore, Plaintiff's motion to reconsider is **DENIED**. Plaintiff shall tender the appellate filing and docketing fee of \$455 to the Clerk of Court in this District, or he may reapply to the Seventh Circuit Court of Appeals for leave to proceed *in forma pauperis* on appeal.

IT IS SO ORDERED.

DATED: 12/03/07

s/ G. Patrick Murphy
G. Patrick Murphy
United States District Judge